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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CURS, NATHAN M	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/734,629	KOOPFERSTOCK, ERIC S.	
	Examiner	Art Unit	
	Nathan Curs	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/04,5/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 9, 10, 15, 17 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoshizawa et al. ("Yoshizawa") (European Patent Office Publication No. 1096713).

Regarding claim 1, Yoshizawa discloses a method for communicating optical traffic at a node (fig. 2A and paragraphs 0006-0009), comprising: receiving optical traffic on a network and demultiplexing the optical traffic into component signals of the optical traffic (fig. 2A, element 40); splitting at least one of the component signals into a drop signal and a continue signal (fig. 2A, element 41); receiving and recovering the drop signal (fig. 2A, element 49); selecting between an add signal and the continue signal for communication on the network (fig. 2A, element 42); and multiplexing the selected signal with other signals for communication on the network (fig. 2A, element 43).

Regarding claim 2, Yoshizawa discloses the method of claim 1, wherein demultiplexing the optical traffic into component signals comprises demultiplexing the optical traffic into component wavelengths (fig. 2A, element 40).

Regarding claim 7, Yoshizawa discloses the method of claim 1, wherein selecting between an add signal and the continue signal comprises selecting between an add signal and the continue signal at a 2.times.1 switch (fig. 2A, element 42).

Regarding claim 9, Yoshizawa discloses a system for communicating optical traffic at a node (fig. 2A and paragraphs 0006-0009), comprising: a node operable to receive optical traffic on a network (fig. 2A): a demultiplexer operable to demultiplex the optical traffic received at the node into component signals of the optical traffic (fig. 2A, element 40); a splitter coupled to the demultiplexer, the splitter operable to split at least one of the component signals into a drop signal and a continue signal (fig. 2A, element 41); a receiver coupled to the splitter, the receiver operable to receive and recover the drop signal (fig. 2A, element 49); a switch coupled to the splitter, the switch operable to select between an add signal and the continue signal for communication on the network (fig. 2A, element 42); and a multiplexer coupled to the switch, the multiplexer operable to multiplex the selected signal with other signals for communication on the network (fig. 2A, element 43).

Regarding claim 10, Yoshizawa discloses the system of claim 9, wherein a demultiplexer operable to demultiplex the optical traffic into component signals comprises a demultiplexer operable to demultiplex the optical traffic into component wavelengths (fig. 2A, element 40).

Regarding claim 15, Yoshizawa discloses the system of claim 9, the switch comprises a 2.times.1 switch (fig. 2A, element 42).

Regarding claim 17, Yoshizawa discloses a system for communicating optical traffic at a node (fig. 2A and paragraphs 0006-0009), comprising: means for receiving optical traffic on a network (fig. 2A); means for demultiplexing the optical traffic into component signals of the optical traffic (fig. 2A, element 40); means for splitting at least one of the component signals into a drop signal and a continue signal (fig. 2A, element 41); means for receiving and recovering the drop signal (fig. 2A, element 49); means for selecting between an add signal and the continue signal for communication on the network (fig. 2A, element 42); and means for

multiplexing the selected signal with other signals for communication on the network (fig. 2A, element 43).

Regarding claim 18, Yoshizawa discloses the system of claim 17, wherein means for demultiplexing the optical traffic into component signals comprises means for demultiplexing the optical traffic into component wavelengths (fig. 2A, element 40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-5, 11-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshizawa (European Patent Office Publication No. 1096713).

Regarding claims 3 and 11, Yoshizawa discloses the method and system of claims 2 and 10, but does not disclose that the number of demultiplexed wavelengths is approximately forty. However, Yoshizawa discloses the system is a dense WDM system (paragraph 0001), and the office takes official notice that DWDM systems are well known to have high numbers of wavelengths. It would have been obvious to one of ordinary skill in the art at the time of the invention that a DWDM system would have approximately forty wavelengths, to provide the benefit of utilizing many wavelengths for multiplexed communication.

Regarding claims 4, 12 and 19, Yoshizawa discloses the method and system of claims 1, 9 and 17, wherein: means for demultiplexing the optical traffic comprises means for demultiplexing the optical traffic at a demultiplexer card (fig. 2A, element 40); but does not

disclose that the means for splitting the at least one of the component signals (fig. 2A, element 41) is at the demultiplexer card. However, the office takes official notice that placing multiple WDM optical components onto a single card in a WDM system is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount the disclosed demultiplexer and splitter on a same card in the system of Yoshikawa, to provide the advantages of saving space and reducing the number of separate system sub-modules.

Regarding claims 5 and 13, Yoshikaza discloses the method and system of claims 4 and 12, wherein the splitter is operable to split at least one of the component signals into a drop signal and a continue signal on the demultiplexer card using array waveguide technology or thin film filters (paragraph 0007).

5. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshizawa (European Patent Office Publication No. 1096713) in view of Kinoshita et al. ("Kinoshita") (US Patent Application Publication No. 2003/0223682).

Regarding claims 6, 14 and 20, Yoshizawa discloses the method and system of claims 1, 9 and 17, but does not disclose a second splitter coupled to the splitter, the second splitter operable to split the drop signal into a first drop signal and a second drop signal; a work receiver coupled to the second splitter, the work receiver operable to receive the first drop signal; and a protect receiver coupled to the second splitter, the protect receiver operable to receive the second drop signal. Kinoshita discloses a WDM add/drop node where the drop signals are copied by splitting and one of the copied wavelengths is used as a protect channel for the working version of the wavelength (figs. 1, 2 and 5 and paragraphs 0034-0041, 0044, 0064 and 0065). It would have been obvious to one of ordinary skill in the art at the time of the invention

to split the drop signal of Yoshizawa to working and protect receivers, to provide the benefit of adding protection in the event of a failure of a receiver, as taught by Kinoshita.

6. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshizawa (European Patent Office Publication No. 1096713) in view of Antoniades et a. ("Antoniades") (US Patent Application Publication No. 2002/0048066).

Regarding claims 8 and 16, Yoshizawa discloses the method and system of claims 1 and 9, but does not disclose that the node comprises a tap operable to tap an optical supervisory signal from the optical traffic. Antoniades discloses an add/drop WDM system similar to that of Yoshizawa, where the node comprises a tap operable to tap an optical supervisory signal from the optical traffic (fig. 3 and paragraph 0017 and 0018). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a WDM-based OSC signal in the system of Yoshizawa, to provide the benefit of having control, messaging and alarming between nodes, as taught by Antoniades.

Conclusion

7. Any inquiry concerning this communication from the examiner should be directed to N. Curs whose telephone number is (571) 272-3028. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached at (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (800) 786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pairdirect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JASON CHAN
SUPERVISORY PATENT EXAMINER
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